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| 10/802,710 | 03/17/2004 | David M. Ziemann | 14846-37 | 4813 |

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| EXAMINER |
|---|
| MORRISON, JAY A |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Office Action Summary** | 10/802,710 | ZIEMANN ET AL. |
| | **Examiner** | **Art Unit** | |
| | Jay A. Morrison | 2168 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>25 June 2007</u>.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)    4)☐ Interview Summary (PTO-413)
          Paper No(s)/Mail Date. _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)    5)☐ Notice of Informal Patent Application
    Paper No(s)/Mail Date _____ .    6)☐ Other: _____ .

# DETAILED ACTION

## *Remarks*

1.    Claims 1-25 are pending.

## *Claim Rejections - 35 USC § 103*

2.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors.  In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary.  Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.    Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dijkstra (Patent No. U.S. 6,411,957) in view of Jeffries (Patent No. U.S. 6,633,879) and

further in view of Khandekar (Patent No. 6,732,102).

For claim 1, Dijkstra teaches "constraining a first node of a query tree stored in a computer-readable memory to a first value" (Col. 10, lines 47-56, Col. 12, lines 4-11, fig. 3) "making accessible a first set of nodes of the query tree that are connected to the first node constrained to the first value"(Col. 13, lines 51-61) "constraining a second node in the first set of nodes to a second value"(Col. 2, lines 1-48, Col. 5, lines 43-61 ) "identifying a plurality of trees in the collection of tree data structures that contains (1) a first matching node equal in position to the first node and equal to the first value, and (2) a second matching node equal in position to the second node and equal to the second value" (Col. 1, lines 34-53) "and accessing data in a select node of the identified trees"(Col. 5, lines 43-67).

Dijkstra does not explicitly indicate "a plurality of distinct trees" nor "returning information related to the identified trees".

However, Jeffries discloses "a plurality of distinct trees" (selecting trees, column 10, lines 15-17) and "returning information related to the identified trees" (optimal width, column 8, lines 39-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dijkstra and Jeffries because using the steps of indicate "a plurality of distinct trees" and "returning information related to the identified trees" would have given those skilled in the art the tools to improve the invention by providing a combination of a direct table and a tree which is better able to optimize the desired properties. This gives the user the advantage of having a more efficient system.

Dijkstra does not explicitly indicate "displaying the data in a select node of the identified trees".

However, Khandekar discloses "displaying the data in a select node of the identified trees" (displays tree nodes, column 19, lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dijkstra, Jeffries and Khandekar because using the steps of "displaying the data in a select node of the identified trees" would have given those skilled in the art the tools to improve the invention by allowing pertinent data to be viewed by a user. This gives the user the advantage of having access to information that is derived.

For claim 2, Dijkstra teaches "wherein the select node is the first matching node, the second matching node, or a node connected to the first or second matching nodes of the identified trees" (Col. 4, lines 22-34)

For claim 3, Dijkstra teaches "making accessible a second set of nodes of the query tree that are connected to the second node constrained to the second value" (Col. 2, lines 1-49)

For claim 4, Dijkstra teaches "wherein the select node is equal in position to the first node of the query tree, the second node of the query tree, or a node in the accessible first or second sets of nodes of the query tree"(Col. 1, lines 34-53)

For claim 5, <u>Dijkstra</u> teaches "wherein the first value and the second value are selected from the group consisting of a data value, an unbound special value, and an undefined special value"(Col. 5,lines 43-61)

For claim 6, <u>Dijkstra</u> teaches "wherein a structure of the query tree is determined by available tree structures in the collection of tree data structures"(Col. 1, lines 11-33, Col. 2, lines 1-48)

For claims 7, 16, 19 and 21 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

For claims 8,11, 13, 20 and 22 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected.

For claim 9, <u>Dijkstra</u> teaches "receiving a second value from the one or more input devices to which a second node in the first set of nodes is constrained; and displaying with the display device a second set of nodes of the query tree that are connected to the second node constrained to the second value" (Col. 5, lines 43-53)

For claim 10, <u>Dijkstra</u> teaches "wherein the plurality of identified trees that contains (1) a first matching node equal in position to the first node and equal to the first value, and (2)

a second matching node equal in position to the second node and equal to the second

value"(Col. 1, lines 34-53)

For claim 12, <u>Dijkstra</u> teaches "wherein the plurality of identified trees in the collection of

tree data structures that contain (1) a first matching node equal in position to the first.

node and equal to the first value, and (2) a second matching node equal in position to

the second node and equal to the second value"(Col. 1, lines 34-53)"and wherein

displaying the data in the select node displays data in a plurality of select nodes of each

of the identified plurality of trees"(Col. 5, lines 43-67)

For claims 14 and 23 these claims are rejected on grounds corresponding to the

arguments given above for rejected claim 4 and are similarly rejected.

For claim 15, <u>Dijkstra</u> teaches "wherein displaying the data in the plurality of select

nodes displays, with the display device, the data of the plurality of select nodes in a

tabular format"(Col. 5, lines 43-61)

For claims 17 and 24 these claims are rejected on grounds corresponding to the

arguments given above for rejected claim 5 and are similarly rejected.

For claims 18 and 25 these claims are rejected on grounds corresponding to the

arguments given above for rejected claim 6 and are similarly rejected.

## *Response to Arguments*

4.    Applicant's arguments with respect to claims 1-25 have been considered but are

moot in view of the new ground(s) of rejection.


## *Conclusion*

5.    Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.


The prior art made of record, listed on form PTO-892, and not relied upon is

considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TIM VO
SUPERVISORY PATENT EXAMINER
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